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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

SANDRA WILTON,
Lawyer (Bar No. 22891).

Proceeding No. 17#00062

ODC File Nos. 16-00750; 16-01797

STIPULATION TO SUSPENSION

Under Rule 9.1 of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through Disciplinary Counsel Benjamin J. Attanasio, Respondent’s Counsel Kurt M. Bulmer and Respondent lawyer Sandra Wilton.

Respondent understands that she is entitled under the ELC to a hearing, to present exhibits and witnesses on her behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that she is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to her. Respondent chooses to resolve this proceeding

1 now by entering into the following stipulation to facts, misconduct, and sanction to avoid the
2 risk, time, and expense attendant to further proceedings.

3 **I. ADMISSION TO PRACTICE**

4 1. Respondent was admitted to practice law in the State of Washington on October 22,
5 1993.

6 **II. STIPULATED FACTS**

7 Guardianship Matter

8 2. On January 8, 2013, Respondent was appointed as full guardian of the person and
9 estate of her aunt, Woneata Airhart, in In re Woneata Airhart, King County Superior Court case
10 number 12-4-05958-3.

11 3. On or about April 21, 2015, Respondent resigned as guardian.

12 4. On July 1, 2015, the court appointed Guardianship Services of Seattle (GSS) as the
13 successor guardian of the estate.

14 5. On July 1, 2015, the court ordered Respondent to prepare and file a final report
15 within 30 days, to meet with GSS within 14 days to review records related to the guardianship,
16 and to deliver all remaining records to GSS upon approval of the final report.

17 6. Respondent did not prepare a final report and did not deliver adequate records to
18 GSS as required by the July 1, 2015 order.

19 7. On November 13, 2015, GSS filed a petition requesting that Respondent be held in
20 contempt for violating the July 1, 2015 order.

21 8. On November 30, 2015, the court held Respondent in contempt for violating the
22 July 1, 2015 order.

23 9. On November 30, 2015, the court ordered Respondent “to turn over all records,
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1 documents, leases, financial documents of [sic] without limitation pertaining to Woneata
2 Airhart” to GSS within five days.

3 10. Respondent did not comply with the November 30, 2015 order.

4 11. On April 13, 2016, GSS filed a motion for an order finding Respondent in
5 contempt.

6 12. On April 14, 2016, the court issued an order to show cause and set a hearing for
7 May 2, 2016.

8 13. On May 2, 2016, the court held Respondent in contempt for violating the
9 November 30, 2015 order.

10 14. On May 4, 2016, the court ordered that a bench warrant be issued for Respondent’s
11 arrest for failing to appear at the show cause hearing.

12 15. On July 28, 2016, Respondent filed a motion and affidavit seeking to vacate the
13 contempt orders and quash the bench warrant.

14 16. On August 23, 2016, the court quashed the bench warrant but did not vacate the
15 contempt orders.

16 O’Brien Grievance – File no. 16-00750

17 17. On May 11, 2016, Tom O’Brien filed a grievance against Respondent on behalf of
18 GSS.

19 18. On May 13, 2016, ODC sent Respondent a letter requesting her response to the
20 grievance within 30 days.

21 19. Respondent did not respond.

22 20. On June 16, 2016, ODC sent Respondent a letter requiring her response to the
23 grievance on or before June 29, 2016.

1 21. On June 23, 2016, Respondent sent a letter via email requesting that ODC's
2 investigation of the grievance be deferred pending the conclusion of the underlying
3 guardianship action.

4 22. On June 24, 2016, ODC deferred the investigation.

5 23. On August 31, 2016, ODC sent Respondent a letter requesting, within 30 days, a
6 written response on the status of the litigation or, if the litigation had concluded, a preliminary
7 written response to the grievance.

8 24. Respondent did not respond to ODC's August 31, 2016 letter.

9 25. On October 27, 2016, ODC sent Respondent a letter requiring a response to the
10 August 31, 2016 letter by November 10, 2016.

11 26. Respondent did not respond to the October 27, 2016 letter.

12 27. On November 14, 2016, ODC sent Respondent an email attaching a copy of the
13 October 27, 2016 letter and requiring a response by November 28, 2016.

14 28. Respondent did not respond to the November 14, 2016 email.

15 29. On December 1, 2016, ODC sent a letter to Mr. O'Brien and Respondent notifying
16 them that the investigation was no longer deferred.

17 30. On December 6, 2016, ODC issued a Notice of Intent to Take Deposition and a
18 Subpoena Duces Tecum requiring Respondent to appear for a deposition at the WSBA offices
19 on January 11, 2017, and to produce all documents and financial records in her possession or
20 control relating to the guardianship of Woneata Airhart.

21 31. On December 8, 2016, Respondent was personally served with the Notice of Intent
22 to Take Deposition and Subpoena Duces Tecum.

23 32. Respondent did not appear for the deposition on January 11, 2017 and did not
24

1 produce the required records.

2 Pupava Grievance – File No. 16-01797

3 33. On November 27, 2016, Frantisek Pupava filed a grievance against Respondent
4 alleging misconduct in connection with the transfer of a manufactured home.

5 34. On December 2, 2016, ODC sent Respondent a letter requesting a response to the
6 grievance within 30 days.

7 35. Respondent did not respond.

8 36. On January 5, 2017, ODC sent Respondent a letter requiring her response by
9 January 18, 2017.

10 37. Respondent did not respond.

11 38. On January 23, 2017, ODC issued a Notice of Intent to Take Deposition and a
12 Subpoena Duces Tecum requiring Respondent to appear for a deposition at the WSBA offices
13 on February 16, 2017, and to produce all documents in her possession or control related to any
14 transaction or litigation with Mr. Pupava and/or Ms. LaBaw.

15 39. ODC attempted to have Respondent personally served with the Notice of Intent to
16 Take Deposition and Subpoena Duces Tecum but a process server was unable to contact or
17 locate her.

18 40. On January 31, 2017, ODC served Respondent with the Notice of Intent to Take
19 Deposition and Subpoena Duces Tecum by certified mail, first-class mail, and email.

20 41. Respondent did not appear for her deposition and did not produce the required
21 records.

22 **III. STIPULATION TO MISCONDUCT**

23 42. By violating the July 1, 2015 and November 30, 2015 court orders, Respondent
24

1 violated RPC 3.4(c) and RPC 8.4(j).

2 43. By failing to cooperate with the investigation of Mr. O'Brien's grievance,
3 Respondent violated RPC 8.4(l) (by violating ELC 1.5, 5.3(g), and/or 5.5(d)).

4 44. By failing to cooperate with the investigation of Mr. Pupava's grievance,
5 Respondent violated RPC 8.4(l) (by violating ELC1.5, 5.3(g), and/or 5.5(d)).

6 IV. PRIOR DISCIPLINE

7 45. In 2006, Respondent received a reprimand for withdrawing fees from her trust
8 account without notifying her client, in violation of RPC 1.4(a).

9 V. APPLICATION OF ABA STANDARDS

10 46. The following American Bar Association Standards for Imposing Lawyer
11 Sanctions (1991 ed. & Feb. 1992 Supp.) apply to this case:

12 **6.2 Abuse of the Legal Process**

13 Absent aggravating or mitigating circumstances, upon application of the
14 factors set out in Standard 3.0, the following sanctions are generally appropriate
15 in cases involving failure to expedite litigation or bring a meritorious claim, or
16 failure to obey any obligation under the rules of a tribunal except for an open
17 refusal based on an assertion that no valid obligation exists:

18 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a
19 court order or rule with the intent to obtain a benefit for the lawyer or
20 another, and causes serious injury or potentially serious injury to a party
21 or causes serious or potentially serious interference with a legal
22 proceeding.

23 6.22 Suspension is generally appropriate when a lawyer knows that he or she
24 is violating a court order or rule, and causes injury or potential injury to a
client or a party, or causes interference or potential interference with a
legal proceeding.

6.23 Reprimand is generally appropriate when a lawyer negligently fails to
comply with a court order or rule, and causes injury or potential injury to
a client or other party, or causes interference or potential interference
with a legal proceeding.

6.24 Admonition is generally appropriate when a lawyer engages in an
isolated instance of negligence in complying with a court order or rule,
and causes little or no actual or potential injury to a party, or causes little
or no actual or potential interference with a legal proceeding.

1 **7.0 Violations of Duties Owed as a Professional**

2 Absent aggravating or mitigating circumstances, upon application of the
3 factors set out in Standard 3.0, the following sanctions are generally appropriate
4 in cases involving false or misleading communication about the lawyer or the
5 lawyer’s services, improper communication of fields of practice, improper
6 solicitation of professional employment from a prospective client, unreasonable
7 or improper fees, unauthorized practice of law, improper withdrawal from
8 representation, or failure to report professional misconduct.

9 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in
10 conduct that is a violation of a duty owed as a professional with the intent
11 to obtain a benefit for the lawyer or another, and causes serious or
12 potentially serious injury to a client, the public, or the legal system.

13 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
14 conduct that is a violation of a duty owed as a professional and causes
15 injury or potential injury to a client, the public, or the legal system.

16 7.3 Reprimand is generally appropriate when a lawyer negligently engages in
17 conduct that is a violation of a duty owed as a professional and causes
18 injury or potential injury to a client, the public, or the legal system.

19 7.4 Admonition is generally appropriate when a lawyer engages in an
20 isolated instance of negligence that is a violation of a duty owed as a
21 professional, and causes little or no actual or potential injury to a client,
22 the public, or the legal system.

23 47. Respondent acted knowingly in failing to comply with court orders and in failing
24 to cooperate with the disciplinary investigations.

48. Respondent’s conduct caused injury to GSS, ODC, and the legal system.

49. The presumptive sanction is suspension.

50. The following aggravating factors apply under ABA Standard 9.22:

- (a) prior disciplinary offenses (Respondent received a reprimand in 2006); and
- (i) substantial experience in the practice of law (Respondent was admitted to practice in 1993).

51. No mitigating factors under ABA Standard 9.32 apply to this case. However, it is
a mitigating factor that Respondent has agreed to resolve this matter at an early stage of the
proceedings.

52. On balance the aggravating and mitigating factors do not require a departure from
the presumptive sanction.

1 **VI. STIPULATED DISCIPLINE**

2 53. The parties stipulate that Respondent shall receive a six-month suspension for her
3 conduct.

4 **VII. RESTITUTION**

5 54. No restitution is required by this stipulation.

6 **VIII. COSTS AND EXPENSES**

7 55. In light of Respondent’s willingness to resolve this matter by stipulation at an early
8 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$817.97
9 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC
10 13.9(l) if these costs are not paid within 30 days of approval of this stipulation. Reinstatement
11 from suspension is conditioned on payment of costs.

12 **IX. VOLUNTARY AGREEMENT**

13 56. Respondent states that prior to entering into this Stipulation she has consulted
14 independent legal counsel regarding this Stipulation, that Respondent is entering into this
15 Stipulation voluntarily, and that no promises or threats have been made by ODC, the
16 Association, nor by any representative thereof, to induce the Respondent to enter into this
17 Stipulation except as provided herein.

18 57. Once fully executed, this stipulation is a contract governed by the legal principles
19 applicable to contracts, and may not be unilaterally revoked or modified by either party.

20 **X. LIMITATIONS**

21 58. This Stipulation is a compromise agreement intended to resolve this matter in
22 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
23 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
24

1 and ODC acknowledge that the result after further proceedings in this matter might differ from
2 the result agreed to herein.

3 59. This Stipulation is not binding upon ODC or the respondent as a statement of all
4 existing facts relating to the professional conduct of the respondent lawyer, and any additional
5 existing facts may be proven in any subsequent disciplinary proceedings.

6 60. This Stipulation results from the consideration of various factors by both parties,
7 including the benefits to both by promptly resolving this matter without the time and expense of
8 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
9 such, approval of this Stipulation will not constitute precedent in determining the appropriate
10 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
11 subsequent proceedings against Respondent to the same extent as any other approved
12 Stipulation.

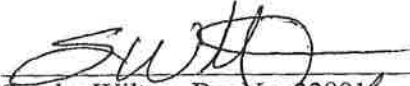
13 61. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on
14 the record agreed to by the parties. Under ELC 3.1(b), all documents that form the record
15 before the Board for its review become public information on approval of the Stipulation by the
16 Board, unless disclosure is restricted by order or rule of law.

17 62. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will
18 be followed by the disciplinary action agreed to in this Stipulation. All notices required in the
19 Rules for Enforcement of Lawyer Conduct will be made.


20 63. If this Stipulation is not approved by the Disciplinary Board and Supreme Court,
21 this Stipulation will have no force or effect, and neither it nor the fact of its execution will be
22 admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary
23 proceeding, or in any civil or criminal action.

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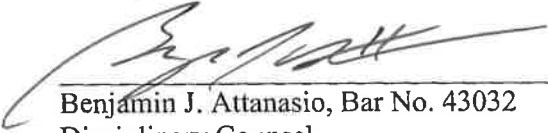
WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to Discipline as set forth above.


Sandra Wilton, Bar No. 22891
Respondent

Dated: 10/4/2018


Kurt M. Bulmer, Bar No. 5559
Counsel for Respondent

Dated: 10/9/18


Benjamin J. Attanasio, Bar No. 43032
Disciplinary Counsel

Dated: 10/9/18